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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PRABHAKAR GOPALAN

Appeal 2009-009448
Application 09/888,470
Technology Center 3600

Decided: May 12, 2010

Before HUBERT C. LORIN, ANTON W. FETTING, and
JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Prabhakar Gopalan (Appellant) seeks our review under 35 U.S.C. § 134 (2002) of the final rejection of claim 17. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We REVERSE.¹

THE INVENTION

The invention “relates to a centralized personal data bank and an electronic wallet tied to the centralized personal data bank that can be used for purchases over the telephone or over the Internet based upon a primary number and a wallet number.” Specification 1:6-8.

Claim 17, reproduced below, is the subject matter on appeal.

17. A method of completing a financial transaction between a user having a payment account and a merchant having a merchant account, the method comprising:

a) the user logging on to a centralized personal data base using a basic number and a primary number, wherein the basic number is accessible by the user but not by the merchant;

b) the user creating an electronic wallet in the centralized personal data base by inputting a payment account number of the user's payment account to associate with the electronic wallet, a payment limit of the electronic wallet, and an expiration date of the electronic wallet;

¹ Our decision will make reference to the Appellant's Appeal Brief (“App. Br.,” filed Sep. 5, 2008) and Reply Brief (“Reply Br.,” filed Dec. 23, 2008), and the Examiner's Answer (“Answer,” mailed Oct. 29, 2008).

c) responsive to the user creating the electronic wallet, the centralized personal data base generating a wallet number associated with the electronic wallet;

d) the user making a purchase from the merchant on a purchase date by sending the primary number and the wallet number to the merchant, wherein the purchase has a price;

e) the merchant sending the primary number and the wallet number to the centralized personal data base; and

f) the centralized personal data base determining whether the purchase is authorized by determining whether the purchase price exceeds the payment limit of the electronic wallet and whether the purchase date is after the expiration date, wherein the purchase is authorized when the purchase price does not exceed the payment limit and the purchase date is not after the expiration date;

g) responsive to determining that the purchase is authorized, the centralized personal data base debiting the user's payment account for the purchase price and crediting the merchant account.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

| | | |
|-------|--------------------|---------------|
| Park | US 2001/0034725 A1 | Oct. 25, 2001 |
| Armes | US 2001/0034720 A1 | Oct. 25, 2001 |
| Shub | US 6,807,530 B1 | Oct. 19, 2004 |

The following rejection is before us for review:

1. Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Park and Armes.
2. Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Armes and Shub.

ISSUES

Regarding the rejection of claim 17 under 35 U.S.C. §103(a) as being unpatentable over Park and Armes, the issue is whether the references disclose step “c) responsive to the user creating the electronic wallet, the centralized personal data base generating a wallet number associated with the electronic wallet.”

Regarding the rejection of claim 17 under 35 U.S.C. §103(a) as being unpatentable over Armes and Shub, the issue is whether the references disclose “d) the user making a purchase from the merchant on a purchase date by sending the primary number and the wallet number to the merchant, wherein the purchase has a price” and “e) the merchant sending the primary number and the wallet number to the centralized personal data base.”

FINDINGS OF FACT

We rely on the Examiner’s factual findings stated in the Answer (Answer 3-7).

ANALYSIS

The rejection of claim 17 under 35 U.S.C. §103(a) as being unpatentable over Park and Armes.

According to claim 17, a) a user logs on to a database using two numbers, a basic number not accessible by a merchant and a primary number; b) the user creates an electronic wallet in the database by inputting three pieces of information: a payment account number of the user’s payment account to associate with the electronic wallet, a payment limit of

the electronic wallet, and an expiration of the electronic wallet; and c) the database generates a wallet number associated with the electronic wallet in response to the user creating the electronic wallet.

According to the Examiner these three claim steps are generally disclosed in Parks at [0022]-[0024], [0028], and [0034]. Answer 4. The Examiner found that step c) was disclosed in [0023]-[0023] of Parks. But the Examiner did state that Parks did not disclose, in step b), “the user creating an electronic wallet in the centralized personal data base by inputting ... *a payment limit of the electronic wallet, and an expiration date of the electronic wallet*”. Emphasis added. The Examiner relied on Armes as disclosing inputting these additional pieces of information. According to the Examiner, “it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Park to include these features as taught by Armes for the obvious reason of providing restriction of the use of the wallet thereby enhancing the security of the process.” Answer 5.

Appellant disagrees with the Examiner’s position. Appellant argues that neither Park nor Armes discloses the claim step c): “responsive to the user creating the electronic wallet, the centralized personal data base generating a wallet number associated with the electronic wallet.” App. Br. 10.

In response to this argument, the Examiner stated that “Armes at paragraph [0013] explicitly teaches that a cardholder is provided with a secondary transaction number that is associated with a cardholder’s primary account. This transaction number is an equivalent to “wallet number.”” Answer 9.

Accordingly, the Examiner found step c) to be disclosed in [0022]-[0023] of Park as well as in [0013] of Armes.

The Appellant replied that (a) Park's identification number or card number is not the same as the wallet number of claim 17 because Park's identification number and card number are not part of a centralized personal data base's three number system and the electronic wallet is not created in a centralized personal data base" (Reply Br. 3) and (b) "Armes "secondary number" is not the same as the wallet number of claim 17 because Armes "secondary number" is not part of a centralized personal data base's three number system and the electronic wallet is not created in a centralized personal data base" (Reply Br. 3).

Park describes an electronic payment method whereby an electronic payment web server connected to a client terminal via the Internet provides a user an ID and a password when the user registers for a card that can be used to make purchases. Park: [0008]. The information the user provides upon registration is stored in a database. Park: [0021]. When the user applies for a card, the application information is sent to a payment gateway server which sends the information, along with the registration information in the database, to a financial company for approval for card use. Park: [0022]. Once approved, the card is provided with a number and the electronic payment web server issues the card with the number to the registered user. Park: [0022]. The payment gateway server creates an electronic wallet corresponding to the member ID and having the approved card number. Park: [0022]. The card number can be communicated to the registered user. Park: [0023]. The Park method further downloads an electronic wallet

driving program to a web browser on the client computer. Park: [0009]. An electronic wallet icon appears which can be used to download an electronic wallet driving program for use during purchases. Park: [0027]. It is to be used to call the electronic payment web server. Park: [0026]. A user inputs a member ID and password into the electronic wallet driving program, which information is transferred to the payment gateway server for authentication, whereupon a purchase can be made. Park: [0028].

The method Park describes arguably meets the claim limitation of inputting information into a database, albeit the information Park inputs is not the same as that which is required for the claimed method. But, Park does not disclose the database generating anything to be associated with the inputted information. While Park does disclose an electronic wallet, there is no generation of an electronic wallet number associated with the electronic wallet. Moreover, step c) of claim 17 requires the database to generate an electronic wallet number associated with the electronic wallet “responsive to the user creating the electronic wallet.” That, too, is not disclosed. Accordingly we agree with Appellant, that step c) of claim 17 is not disclosed in [0023]-[0023] of Parks as the Examiner has asserted.

Regarding the disclosure in Armes at paragraph [0013], it is disclosed that transactions between a cardholder and a merchant can be facilitated by providing the cardholder with a secondary transaction number associated with the cardholder’s primary account and the cardholder presenting the transaction number to the merchant. There is no disclosure of the claim step of a user inputting information into a database and the database generating a “wallet number” associated with that information in response to the

information created by the input. Accordingly, we agree with Appellant that step c) of claim 17 is not disclosed in paragraph [0013] of Armes as the Examiner has asserted.

The rejection of claim 17 under 35 U.S.C. §103(a) as being unpatentable over Armes and Shub.

The Examiner stated that Armes fails to disclose the use of a *primary number* in addition to the wallet number as required by steps d) and e) of claim 17. Answer 7. Emphasis added. Step d) calls for sending both the *primary number* and the wallet number to the merchant upon making a purchase from the merchant and step e) calls for the merchant to send the *primary number* and the wallet number to the centralized personal data base.

The Examiner relied on Shub to show a customer providing certain numbers issued by a payment server to a merchant such that the merchant can confirm the transaction. Answer 7. The Examiner specifically referred to col. 8, ll. 31-48 and col. 10, ll. 42-60 of Shub. Answer 7. But the Examiner does not explain in what way Shub shows or would render obvious the merchant sending a number to the centralized database as is claimed. As the Appellant has argued (*see* App. Br. 11 and Reply Br. 6), Shub states that its objective is such that “no party (employee or company) ever possesses all the information necessary to link the customer to the merchant.” Col. 3, ll. 56-59. Accordingly, Shub teaches away from sending any information, such as a primary number, to the centralized database as claimed. Thus, Shub does not lead one of ordinary skill in the art to the claimed method comprising of “the merchant sending the primary number and the wallet number to the centralized personal data base” (step e)).

Appeal 2009-009448
Application 09/888,470

DECISION

We reverse the Examiner's §103 rejections.

ORDER

REVERSED

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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380